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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,872	05/30/2001	Masami Tabata	1232-4719	9001
27123	7590	07/29/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,872

Applicant(s)

TABATA, MASAMI

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on April 11, 2005, has been entered and made of record.

Applicant argues that "by virtue of the structure recited in claim 1, it is prevented that the R, G, and B light beams have extremely different shortest paths until they reach the diffusion region as described on page 4, lines 16-22 of the specification." He further argues that "the structure of Okino can not provide such effect". Examiner's response is that such an effect described by the applicant is not reflected in the claim 1 of the application. Applicant claims a light source, a light guide and two diffusion regions as recited in claim 1. For this reason, examiner maintains his rejection. Okino et al. discloses a light source (66), first diffusion plate (72) and second diffusion region (70).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Okino et al.

(U.S. Patent No. 6,661,544).

Regarding claim 1, Okino et al. discloses an illumination device which comprises a light source and a light guide member having an entrance surface for receiving light coming from the light source, an exit surface for outputting light in an illumination direction, and a first diffusion region for reflecting and/or diffusing an incoming light beam across a longitudinal direction; a second diffusion region inserted in an optical path of light between the light source and the entrance surface, the light being emitted by the light source (fig. 3, diffusion plate 72, photoconductive member 70 (also diffuser), col. 5, lines 1-24).

Regarding claim 2, Okino et al. discloses the device according to claim 1, wherein said device comprises a plurality of light sources, and said diffusion means is common to light beams coming from the plurality of light beams (please refer to claim 1).

Regarding claim 3, Okino et al. discloses the device according to claim 1 wherein said diffusion means comprises a light diffusion surface formed on the entrance surface (please refer to claim 1).

Regarding claim 4, Okino et al. discloses the device according to claim 1, wherein said diffusion means comprises a three-dimensionally patterned surface formed on the entrance surface (fig. 3, col. 6, lines 15-25).

Regarding claim 5, Okino et al. discloses the device according to claim 1, wherein said diffusion means comprises a three-dimensionally patterned surface formed on a surface of a resin which covers the light source (fig. 3, col. 6, lines 15-25).

Regarding claim 6, arguments analogous to those presented for claim 5 are applicable to claim 6.

Regarding claim 7, Okino et al. discloses the device according to claim 2, wherein the

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plurality of light sources are integrally packaged (fig. 3, LED 64).

Regarding claim 8, Okino et al. discloses the device according to claim 2, wherein the plurality of light sources comprise LEDs (fig. 3, LED 64).

Regarding claim 9, Okino et al. discloses the device according to claim 8, wherein the plurality of LEDs have different emission wavelengths (fig. 3, col. 6, lines 5-8)).

Regarding claim 10, Okino et al. discloses the device according to claim 9, wherein the plurality of LEDs respectively have red, green, and blue emission wavelengths (fig. 3, col. 6, lines 5-8)

Regarding claim 11, Okino et al. discloses an image sensor comprising an illumination device cited in claim 1, a lens for imaging optical information at a read position, and a photoelectric conversion element for receiving an optical image formed by said lens, and converting the optical image into an electrical signal (col. 4, lines 1-37).

Regarding claims 12 and 13 arguments analogous to those presented for claim 11 are applicable to claims 12 and 13.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
July 11, 2005


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